

HIGH COURT OF UTTARANCHAL AT NAINITAL

**Criminal Appeal No. 1066 of 2001
(Old No. 679/1981)**

1. Gurubux Singh S/o Trilok Singh	
2. Nirmal Singh S/o Birsa Singh	
3. Anoop Singh S/o Booda Singh	
4. Jagir Singh S/o Moola Singh	
5. Trilok Singh S/o Booda Singh	
6. Lakhvinder Singh (Since Deceased)S/o Birsa Singh	
7. Birsa Singh S/o Moola Singh	Appellants
Vs.	
State of Uttaranchal	Respondent

Sri A. S. Gill, learned counsel for the appellants.
Sri Amit Bhatt learned A.G.A.

Hon'ble Irshad Hussain, J.

This criminal appeal under section 374 of the Code of Criminal Procedure (for short 'Code') was filed against the judgment and order dated 6.4.1981 convicting and sentencing appellants to undergo RI for a period of three years & six months under sections 325/149 IPC; RI for a period of two years under sections 324/149 IPC; RI for a period of one year under sections 323/149 IPC and RI for a period of one year under section 147 IPC in sessions trial no.86/1980.

The parties have entered into compromise and in view of the parties being neighbours the permission to compound the offence under section 325 of the IPC was accorded. Offences under section 323/324 are also compoundable at the instance of person injured in the incident. On 24.4.2004 permission was accorded and the compromise had been verified before the Registrar General the same day. In view of the compromise having been filed by the parties the appellants are entitled to be acquitted under sections 325/149, 324/149, 323/149 IPC. The appellants were also convicted under section 147 IPC and since the parties have entered into compromise and they are living in peace and harmony, I find force in the argument of the learned counsel for the appellants that ends of justice will be met if the sentence awarded under section 147 is modified to the sentence already undergone by these appellants. It is pointed out that they remained in custody for about two months during the enquiry, trial and appeal. Considering the facts and circumstances of the case, the conviction under section 147 IPC is therefore to be maintained

case, the conviction under section 147 IPC is therefore to be maintained and the sentence is to be modified accordingly.

The appeal is decided in terms that the appellants are acquitted of the charges under section 325/149, 324/149, 323/149 IPC. However, their conviction is maintained under section 147 IPC. The sentence awarded is modified and reduced to the period already undergone by them. Therefore, they need not surrender. Their bail bonds are cancelled and sureties discharged.

Dated 26.4.2004

(Irshad Hussain, J.)

Rawat